

to the grand jury, to distribute a mixture or substance containing more than five (5) kilograms of a detectable amount of cocaine, a Schedule II controlled substance, and a mixture or substance containing more than fifty (50) grams of a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A); all in violation of Title 21, United States Code, Section 846.

COUNT TWO

That on or about December 20, 2002, said date being approximate, in the Western District of Missouri, MICHAEL L. DALE and DYSHAWN L. JOHNSON, defendants herein, aiding and abetting each other or others, did knowingly use and carry a firearm during and in relation to a drug-trafficking crime, which may be prosecuted in a court of the United States, that is, conspiracy to distribute cocaine and cocaine base, as alleged in Count One of the Indictment, which is incorporated herein, and in so doing, the defendants, MICHAEL L. DALE and DYSHAWN L. JOHNSON, committed murder and caused murder to be committed as defined in Title 18, United States Code, Section 1111, that is, the unlawful killing of Anthony Rios, with malice aforethought, such murder being willful, deliberate, malicious, premeditated, and committed in the perpetration of a drug trafficking crime, all in violation of Title 18, United States Code, Sections 924(c)(1) and (j)(1) and 2.

COUNT THREE

That on or about December 20, 2002, said date being approximate, in the Western District of Missouri, MICHAEL L. DALE and DYSHAWN L. JOHNSON, defendants herein, aiding and abetting each other or others, did knowingly use and carry a firearm during and in relation to a drug-trafficking crime, which may be prosecuted in a court of the United States, that

is, conspiracy to distribute cocaine and cocaine base, as alleged in Count One of the Indictment, which is incorporated herein, and in so doing, the defendants, MICHAEL L. DALE and DYSHAWN L. JOHNSON, committed murder and caused murder to be committed as defined in Title 18, United States Code, Section 1111, that is, the unlawful killing of Olivia Raya, with malice aforethought, such murder being willful, deliberate, malicious, premeditated, and committed in the perpetration of a drug trafficking crime, all in violation of Title 18, United States Code, Sections 924(c)(1) and (j)(1) and 2.

COUNT FOUR

That on or about April 15, 2003, in the Western District of Missouri, BRYANT M. BURTON, defendant herein, being convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce, a firearm, to wit: a Smith and Wesson .357 magnum revolver, serial number 16809, and ammunition, to wit: PAC MAG 357 rounds and Win 9mm Luger rounds, all of which had been transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924 (a)(2).

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

Kathleen D. Mahoney # 38828
Assistant United States Attorney

Dated: _____
Kansas City, Missouri